

## Message Text

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72

ORIGIN NEA-09

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DRAFTED BY NEA/ARN:MHMAUGHAN:DAV:L/NEA:KHUFFM

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R 091635Z APR 75

FM SECSTATE WASHDC

TO AMEMBASSY KUWAIT

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E.O. 11652: N/A

TAGS: AFIN, IZ, US

SUBJECT: IMPOUNDED U.S. BANK ACCOUNT IN BAGHDAD

KUWAIT POUCH BAGHDAD FOR ACTION

REFERENCE: LOWRIE LETTER OF FEB. 13, 1975

1. USINT AUTHORIZED TO PRESENT FOLLOWING NOTE TO APPROPRIATE LEVEL OF MFA. ARN WILL ALSO BE TAKING THIS MATTER UP WITH CHIEF OF IRAQI INTERESTS SECTION WASHINGTON.

2. BEGIN QUOTE: THE GOVERNMENT OF THE UNITED STATES WISHES TO REFER THE NOTES TO THE GOVERNMENT OF IRAQ DATED OCTOBER 12, 1973, NOVEMBER 5, 1973, DECEMBER 8, 1973, JANUARY 30, 1974, JUNE 19, 1974, AND DECEMBER 11, 1974 CONCERNING FUNDS OF THE UNITED STATES IN THE AMOUNT OF IRAQI DINARS 5022.404 HELD BY THE GOVERNMENT OF IRAQ. SUCH FUNDS WERE IN THE CHECKING ACCOUNT OF THE UNITED STATES INTERESTS SECTION IN THE IRAQI COMMERCIAL BANK PRIOR TO THEIR IMPOUNDMENT ON OCTOBER 4, 1973, AND DECEMBER 5, 1973.

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AS DESCRIBED IN THE SECOND OF THE ABOVE CITED NOTES, THE SEIZURE, AND FAILURE TO RETURN, THIS PROPERTY CONSTITUTES A VIOLATION OF ARTICLES 22, 25, AND 32 OF THE VIENNA CONVENTION OF DIPLOMATIC RELATIONS, TO WHICH BOTH THE GOVERNMENT OF IRAQ AND THE GOVERNMENT OF THE UNITED STATES ARE PARTIES. THESE PROVISIONS ARE BASED UPON CUSTOMARY INTERNATIONAL LAW AND PRACTICE WHICH HAS LONG GOVERNED DIPLOMATIC INTERCOURSE AMONG STATES AND REFLECT THE UNQUESTIONABLE, PRACTICAL NECESSITY THAT THE PROPERTY OF DIPLOMATIC MISSIONS BE PROTECTED FROM SEIZURE BY LOCAL AUTHORITIES.

THE GOVERNMENT OF THE UNITED STATES NOTES THAT WHILE THE IRAQI MINISTRY OF FOREIGN AFFAIRS IN A NOTE DATED JANUARY 23, 1974 AGREED THAT THE SEIZURE OF THE FUNDS WAS ILLEGAL AND ON THIS AND OTHER OCCASIONS HAS ASSURED THAT SUCH FUNDS WOULD BE RETURNED, DESPITE THESE REASSURANCES THE FUNDS CONTINUE TO BE WITHHELD. THE GOVERNMENT OF THE UNITED STATES AGAIN REQUESTS A PROMPT RESOLUTION OF THIS MATTER. END QUOTE. KISSINGER

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**To:** KUWAIT  
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